Supreme Court, U.S.
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No. 00-1102

In The

Supreme Court of the United States

TAHIR M. BAWAZIR,

Petitioner,

v.

SHEIKH KHALID BIN MAHFOUZ,

Respondent.

On Petition For A Writ Of Certiorari To The Supreme Court Of The State Of Washington

RESPONDENT'S BRIEF IN OPPOSITION

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OPINIONS BELOW

Respondent Sheikh Khalid Bin Mahfouz ("Mahfouz" or "Respondent") concurs with the recitations set forth by Petitioner Tahir M. Bawazir ("Bawazir" or "Petitioner") with the exception of the allegation that "Sheikh Mahfouz disputed many facts alleged in the complaint. . . . " Pet. at 1. To the contrary, Mahfouz assumed the factual allegations in the complaint in urging to both the trial court and the Court of Appeals that there is no jurisdiction in Washington State over any dispute between Bawazir and Mahfouz. *See* Ct. App. Op. at 1 and 18; Petitioner's Appendix ("P. App.") at 4a and 19a.

Mahfouz further concurs that neither the trial court opinion nor the opinion of the Court of Appeals was published, the Court of Appeals having determined that the appellate questions presented lacked sufficient precedential value to be published as an opinion of the Court, RCW 2.06.040.[1]

STATEMENT OF THE CASE

A. Overview

Mahfouz disagrees with Petitioner's overview of the case, insofar as such recitation includes multiple arguments and legal conclusions.

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[1] The following is stamped on the Court's opinion mailed to counsel of record:

> A majority of the panel has determined that this opinion will not be printed . . . but will be filed for public record pursuant to RCW 2.06.040.

B. The Facts Set Forth in the Amended Complaint Establish the Factual Record

This case centers on Saudi Arabian transactions, witnesses, and evidence. Bawazir is a resident of Saudi Arabia, though he maintains citizenship in the Republic of Yemen. Mahfouz is a leading Saudi Arabian Banker and businessman and is a citizen and resident of the Kingdom of Saudi Arabia. The case arises out of sales of aircraft by The Boeing Company ("Boeing") to Saudia Airlines ("Saudia"), the national airline of Saudi Arabia. Bawazir's claim is that, based on work he performed in Saudi Arabia, he is entitled to an unspecified share of commissions Boeing paid Mahfouz in connection with the sales.

The Complaint[2] alleges that in 1991 Boeing approached Mahfouz to discuss a consulting relationship in connection with the planned sale of aircraft to Saudi Arabia. ¶¶ 10-11. Boeing "solicit[ed]" Mahfouz and other possible consultants. ¶ 11. The Complaint does not allege that any of these contacts or meetings occurred in the State of Washington.

In March 1992, Mahfouz and Boeing executed the first of a series of Consultant Services Agreements. ¶ 20. Similar versions were executed in 1993, 1994, 1995, and 1996. ¶¶ 30, 48. Under the Agreement, Mahfouz pledged to render consulting services to Boeing, and Boeing

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[2] The "Complaint" in this section refers to Bawazir's First Amended Complaint, a copy of which is included in P. App. at 30a-60a.

promised to pay Mahfouz a commission on aircraft sales to Saudi Arabia or Yemen upon delivery of the aircraft. ¶ 18.

The Complaint concedes that Boeing and Mahfouz were the *sole* parties to the Agreement and that "Bawazir was not made a party to the Consultant Services Agreement." Complaint ¶¶ 62, 64. Nor was Bawazir a signatory to any of the agreements. ¶¶ 17, 48. Rather, Mahfouz was identified as the only person to whom Boeing had any payment obligations, and Mahfouz "signed the 1992 Consultant Agreement and all subsequent versions of it in later years." ¶ 17.

The Complaint alleges that in a 1993 oral conversation – more than a year after Mahfouz's consulting services began – "Bawazir reiterated his understanding that if Boeing was successful, the commission would be shared between Sheikh Mahfouz and Bawazir. Sheikh Mahfouz assented to this statement, and has never denied that Bawazir is entitled to share the commission despite several opportunities to do so during the last several years." Complaint ¶ 35.

In October 1995, Boeing executed contracts with Saudia for the future delivery of commercial aircraft worth approximately $5.2 billion. Complaint ¶ 50. In April 1996, Boeing sent Bawazir a commission check for $2.6 million made out to Mahfouz, and Bawazir deposited it in Mahfouz's account at NCB. ¶ 53. In August 1997, Boeing sent Bawazir a check made out to Bawazir, not Mahfouz, in the amount of approximately $6.8 million. Bawazir deposited this check in Mahfouz's account at NCB as well. ¶ 54.

Mahfouz wrote Boeing on November 30, 1997, stating that Bawazir, "who has served as my representative in my business dealings with your company, is no longer authorized by me to serve as my representative in such capacity with Boeing[.]" ¶ 55.

C. Petitioner's Misstatements

Mahfouz believes the following contentions in Petitioner's Statement of the Case are misstatements:

- Bawazir states at 5 that "his family maintained a residence in Washington state. . . . " This is based solely on the Declaration of Tahir M. Bawazir ("Bawazir Decl. (under seal)"). At paragraph 3 of this declaration, Bawazir asserts that Mahfouz "travels regularly to Houston to reside in his home there. It is also my understanding that at some point in the 1990's, his family maintained a residence in the Seattle area." This is a hearsay declaration with no factual assertion that Mahfouz personally owned or occupied any residence in Washington State at any time.

- Bawazir contends at 5 that Mahfouz "is believed to own several businesses in Washington State." This is based solely upon the declaration of one of Bawazir's counsel of record, which references two Washington corporations having similar names to companies subject to a TRO entered against Mahfouz in BCCI, *see* Dadoun Declaration, § 6-8 P. App. at 62a, 69a. Exhibits 6 and 7 of Mr. Dadoun's declaration are not included in

Petitioner's Appendix. They are included in Respondent's Appendix.[3]

- Bawazir contends at 6 that Mahfouz, for decades, has conducted business with The Frank Russell Company, which is headquartered in Tacoma, Washington. This is based upon the Bawazir Decl. (under seal) at §§ 30-32. Exhibits 22-25 to this declaration establish clearly that the National Commerce Bank ("NBC"), not Mahfouz individually, had a consulting relationship with The Frank Russell Company.

- Bawazir contends at 7 that the consulting agreements "were governed by Washington law." This is misleading in that the Agreements, while calling for the application of Washington law, expressly provided disputes be resolved by arbitration in Geneva, Switzerland, in accordance with the Rules of the International Chamber of Commerce. Bawazir Decl. (under seal), Ex. 16 at 8.

- Bawazir references the BCCI matter at 9 and footnote 7. This effort is an attempt to dredge up irrelevant and defamatory reference to the BCCI affair, now almost a decade old. In

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[3] *See* Respondent's Appendix ("R. App.") at App. 4-9. There is no evidence that they are the same companies. Indeed, Plymouth Holdings, Ltd., is a Washington corporation doing business as Newport Motor Corporation. It was not even incorporated until June 10, 1993, after the TRO was issued against Mahfouz in the BCCI matter. The second company, Cheyenne Holdings, Inc., dba Hoyt's, has a different name than the corporation referenced in the BCCI matter and reflects Washington residents forming the company in June 1992 with a termination date of June 30, 1993.

that case, NBC and Mahfouz were not treated as alter egos, and neither NBC nor Mahfouz was convicted or admitted any wrongdoing. Civil litigation against Mahfouz was dismissed five years ago under the *forum non conveniens* doctrine. *See*, BCCI Holdings (Lux.) v. Mahfouz, 828 F. Supp. 92, 100 (D.D.C. 1993).

REASONS FOR DENYING THE WRIT

This Court lacks jurisdiction to review the decision of the Washington State Court of Appeals. Even if this Court had jurisdiction to hear this case, it should refuse to do so, consistent with its discretion to grant certiorari only where there is a compelling reason.

A. The Supreme Court Lacks Jurisdiction to Review This State Court Decision

In this case, Bawazir has failed to comply with three jurisdictional prerequisites. 28 U.S.C. § 1257. First, he failed to properly raise a substantial federal question below. Second, he did not comply with Supreme Court Rule 14, which, among other things, requires a petition for certiorari to contain a detailed description of how and when any federal issues were raised below. Third, he has not shown that a conflict exists among the lower courts with regard to the issues presented herein. This Court should therefore deny certiorari, because it lacks jurisdiction to review this case.

1. The Petitioner Failed to Properly Raise a Substantial Federal Question Below

It is essential to the jurisdiction of the Supreme Court under § 1257 that a substantial federal question was properly raised in the state court proceedings. The policy considerations underlying this jurisdictional requirement are: (1) federal questions not raised in the state court "are those on which the record is very likely to be inadequate, since it certainly was not compiled with those questions in mind[;]" (2) in a federal system "it is important that state courts be given the first opportunity to consider the applicability of state statutes in light of [federal] Constitutional challenge, since the statutes may be construed in a way which saves their constitutionality[;]" (3) the federal question, if raised below, might "be blocked" by the state court on an adequate and independent state ground, thereby rendering unnecessary any Supreme Court review of the federal issue. *Cardinale v. Louisiana*, 394 U.S. 437, 439, 89 S. Ct. 1161, 1163, 22 L. Ed. 2d 398 (1969). Further, to insist that the state court be given the first opportunity to pass upon federal challenges to state action conforms to the Court's repeated acknowledgements as to the competence of state courts to adjudicate federal constitutional claims. *See, e.g., Allen v. McCurry*, 449 U.S. 90, 105, 101 S. Ct. 411, 420, 66 L. Ed. 2d 308 (1980).

Bawazir presents four federal issues to this Court. First, he claims that the "extraterritorial reach" of the Due Process clause is in question with regard to a state's assertion of personal jurisdiction over a nonresident who conducts international commerce within the forum state.

Pet. at 11-12. Second, Bawazir asserts that there exists an unsettled question under the Due Process clause about whether, in a suit by an agent, a non-resident principal who directs his non-resident agent to conduct business in a forum purposefully avails himself of the jurisdiction of the forum state. Petitioner both claims there is conflict in the lower courts regarding this issue, and argues that this question presents a novel issue of law. Pet. at 12-14. Third, Bawazir claims that the Washington State Court of Appeals decision conflicts with the Supreme Court's precedent holding that the purposeful availment requirement under the Due Process clause is satisfied when claims arise from a contract that has a substantial connection with the forum state. Pet. at 17-19. Finally, Bawazir argues that the Washington decision crafts an unduly narrow rule requiring a non-resident to "solicit" contacts with the forum state in order to satisfy the purposeful availment requirement under the Due Process clause.[4] Pet. at 19-21.

Of the four issues Bawazir presents for review by this Court, only the third was raised below. Bawazir failed to raise the other three issues in the courts below, and

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[4] With respect to the fourth issue presented here for review, Bawazir seriously misstates the holding of the Washington State Court of Appeals. The Court of Appeals merely considered the fact that Mahfouz had been sought out by the Boeing Company, and not the reverse, as one of many facts leading the Court of Appeals to hold that the exercise of personal jurisdiction would be improper in this case. Ct. App. Op. at 23. The Washington courts did not, therefore, craft any rule requiring a nonresident defendant to have solicited contacts in the State of Washington before asserting personal jurisdiction over that defendant.

therefore, cannot properly seek review with respect to those claims.

The one issue that Bawazir did raise below stems from a mis-apprehension of the basis of the dispute. In Petitioner's brief before the Washington State Court of Appeals, he argued that the state court decision would conflict with Supreme Court precedent holding that, when claims arise from a contract that has a substantial connection with the forum state, the purposeful availment requirement under the Due Process clause is satisfied. Appellant's Ct. App. Brief at 30-33. However, the Court of Appeals decided, after a careful analysis of the facts of this case, that Petitioner's dispute with Mahfouz arose, not out of Mahfouz's contract with The Boeing Company, but out of Mahfouz's alleged oral agreement with Bawazir. Ct. App. Op. at 21-22. Mahfouz's oral agreement with Bawazir had no connection with the State of Washington, and therefore, this issue has no application to Petitioner's case.[5] Petitioner thus failed to properly raise a substantial federal question below, and therefore, this Court lacks jurisdiction to consider granting certiorari.

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[5] This Court should not disturb the determination of the Washington State courts. In the absence of exceptional circumstances, the court will defer to state court factual findings, even when those findings relate to a constitutional issue. In the absence of clear error, the court will not overturn state trial court findings. *Hernandez v. New York*, 500 U.S. 352, 366, 111 S. Ct. 1859, 1869, 114 L. Ed. 2d 395 (1991).

2. The Petitioner Failed to Comply With Supreme Court Rule 14

Petitioner failed to fulfill the requirements of Supreme Court Rule 14(b)(iii)(g)(i). Bawazir's Petition for Certiorari is devoid of the required descriptions of how and when the federal issues were raised below, or of the necessary references. The Supreme Court should refuse to consider granting certiorari on this basis.

3. The Petitioner Failed to Provide This Court With a Basis for Granting Certiorari

Even if Bawazir had properly raised a substantial federal question below, and had complied with Supreme Court Rule 14, contrary to Petitioner's claim, there is no conflict between the state court decision and that of another state court of last resort or federal court.

a. To Review a State Court Decision, this Court Generally Requires a Conflict Regarding the Legal Issues Raised Below

Supreme Court Rule 10(b) recognizes that an exercise of the Court's power of review is called for if a "state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States Court of Appeals." Sup. Ct. R. 10(c). Review of state court judgments by certiorari under this provision requires three things: (1) the decision must be that of a state court of last resort, (2) it must decide an important federal

question,[6] and (3) the decision must conflict with the decision of another state court of last resort or of a United States Court of Appeals. *See Moore's Federal Practice* § 510.30.

b. Petitioner Failed to Show a Conflict in the Lower Courts Over the Issue in Dispute in This Case

Bawazir argues that the Washington State Court of Appeals decision conflicts with this Court's precedent that holds that purposeful availment is satisfied when a claim arises from a contract with a substantial connection with the forum state. Bawazir also urges this Court to grant certiorari on the basis of purported conflict in the lower courts, as well as the existence of a novel question, regarding whether under the Due Process clause, where an agent sues his principal, courts may exercise personal jurisdiction over the non-resident principal based upon the agent's contacts with the forum state.

As explained above, Bawazir only managed to raise one of these issues below, and is therefore unable to properly request certiorari. *See* Section A(1), above, for full discussion of petitioner's failure to raise claims below. However, even if Bawazir had properly raised these claims before the Court of Appeals, this Court should refuse to review these issues, because no conflict or novel question exists.

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[6] *See* Section B(1), below, for a discussion of Petitioner's failure to present an "important" federal question for review.

i. One Issue About Which Petitioner Alleges Conflict Is Irrelevant to His Case

With respect to Bawazir's claim that the state court decision conflicts with this Court's precedent holding that purposeful availment is satisfied when a claim arises from a contract with a substantial connection to the forum state, in this case it is clear that the dispute in this case does not arise out of a contract with a substantial connection to the State of Washington. In fact, the alleged oral agreement between Bawazir and Mahfouz has no connection whatsoever to Washington State. *See* Section A(1), above.

ii. There Is No Conflict in the Lower Courts, Nor Any Novel Issue, Regarding the Exercise of Personal Jurisdiction Over a Nonresident Principal in a Suit Brought by a Nonresident Agent

The cases cited by Bawazir do not support his argument that the Washington State Court of Appeals decision raises a novel question, or that there is conflict among the lower courts regarding the exercise of personal jurisdiction over a non-resident principal based on his agent's contacts with the forum state.

Bawazir claims that "[n]umerous courts have ruled that an agent may sue his non-resident principal in connection with a lawsuit arising out of the agent's activity in the forum state[,]" and cites six cases in support of this

proposition. Pet. at 13 and n.13. However, the agent is not the plaintiff in the first two cases cited, *Chan v. Soc'y Expeditions, Inc.*, 39 F.3d 1398 (9th Cir. 1994), and *Deluxe Ice Cream Co. v. R.C.H. Tool Corp.*, 726 F.2d 1209 (7th Cir. 1984). In *Chan*, the plaintiff was an employee of the defendant foreign company, and in *Deluxe Ice Cream Co.*, the plaintiff company sued both principal and agent. Therefore, neither of these cases support Bawazir's argument.

Although Bawazir cites three cases in which agents sue their non-resident principals, in each of them, the agent was, in fact, a resident of the forum state. *See Snyder v. Hampton Industries, Inc.*, 521 F. Supp. 130 (D. Md. 1981); *Terry, Inc. v. Sales Services Machine Tool Company*, 414 N.W.2d 568 (Minn. Ct. App. 1988); *Rose v. Silver*, 394 A.2d 1368 (D.C. Ct. App. 1978).

Notably, Bawazir cites no case that holds that a non-resident agent may hale a non-resident principal before a court based on the non-resident agent's contacts with the forum state. That is exactly what Bawazir is attempting to do. Bawazir is a citizen of Yemen, residing in Saudi Arabia, and Mahfouz is a Saudi Arabian citizen. Neither is a resident of Washington State. The agreement out of which this dispute arises was formed in Saudi Arabia, and contemplated work to be performed largely in Saudi Arabia. Washington State therefore, unlike the courts in the cases cited by Petitioner, has no interest in the resolution of this dispute. These three cases, therefore, are of no use to Bawazir.

Finally, Bawazir cites *Zerbel v. H.L. Federman & Co.*, 179 N.W.2d 872 (Wis. 1970). This case holds that (1) where

a non-resident defendant knew that the contracted for services of the plaintiff would be performed in part in the forum state, (2) the cause of action arose out of defendants' failure to pay the plaintiff, and (3) defendant had two or three prior contacts with the plaintiff in the forum state, that the defendant had purposefully availed himself such that personal jurisdiction could properly be exercised. There is no discussion of agency in this case. This case does not stand for the proposition that an agent may sue his non-resident principal in connection with a lawsuit arising out of the non-resident agent's activities in the forum state.

None of the cases cited by Bawazir buttress his claim that the issues presented are the subject of any lower court conflict, or present a novel issue of law. Thus, it is clear that he has failed to provide this Court with a basis for granting certiorari.

B. The Supreme Court, Guided By Supreme Court Rule 10, Should Use Its Discretion to Deny Certiorari in This Case.

Even if Bawazir had satisfied the jurisdictional prerequisites outlined above, the Supreme Court should refuse to hear this case, based upon the lack of an important federal question or compelling reason to grant certiorari.

1. No Important Federal Question Is Implicated.

It is well settled that merely alleging a federal question does not give rise to jurisdiction. In illustrating the types of reasons for which the Court may grant certiorari, Supreme Court Rule 10 refers to "important Federal question[s] or an important question of Federal law." *Moore's Federal Practice* § 406.05[2][a]. The law relating to the facts of this case is well established. Bawazir has not shown that this case involved an important federal question.

2. There Is No Compelling Reason to Grant Certiorari.

Even if a case falls within the requirements of Section 1257, the Court may simply choose not to review it. "Certiorari review is discretionary and will be granted only for 'compelling reasons.' " *Moore's Federal Practice* § 406.30[1]. Petitioner has shown no such compelling reason, and several facts illustrate the lack of a compelling reason in this case.

a. The State of Washington Has No Interest in This Dispute.

The State of Washington has no interest in this dispute, and should not be forced to provide a forum for its adjudication. The dispute is between Bawazir and Mahfouz, neither of whom is a resident of Washington State. The alleged oral agreement between Mahfouz and Bawazir was entered into in Saudi Arabia. The work under the agreement was performed almost entirely in

Saudi Arabia. The only arguable nexus to Washington State that this dispute ever had was to the extent that Bawazir at one time had claims against The Boeing Company, which is a Washington State corporation. However, Boeing has been dismissed from the suit, leaving only the dispute regarding the alleged agreement between two nonresidents of Washington. Thus, there is no nexus to Washington State such that Washington would have any interest in adjudicating this dispute.

Bawazir refuses to acknowledge that his dispute with Mahfouz arises directly from any oral agreement that he might have had with Mahfouz, and *not* out of Mahfouz's contract to consult for The Boeing Company. Bawazir's confusion as to this issue is well described by the Washington State Court of Appeals in its decision. Ct. App. Op. at 20-22.

b. An Alternate Adequate Forum Exists

Bawazir claims that he will be "deprived of legal redress if forced to pursue his claims against Sheikh Mahfouz in Saudi Arabia[,]" representing that "only Muslims may testify in Saudi Courts." Pet. at 11, and n.12. The author of the referenced article outlines a number of alternatives available to foreigners involved in commercial disputes to avoid the Saudi religion-based *Shari'a* tribunals. *See* D. Karl, *Islamic Law in Saudi Arabia: What Foreign Attorneys Should Know*, 25 Geo. Wash. J. Int'l L. & Econ., 131, 145, 147-49, 164, 169 (1992).

Moreover, although irrelevant to this Court's resolution of Bawazir's Petition for Certiorari, it is worth noting

that numerous courts have held Saudi Arabia an adequate forum, recognizing that "because of its position as a center of international commerce," Saudi Arabia "is a cosmopolitan nation," not "a provincial backwater." *Al-Salamah Arabian Agencies Co. v. Reece*, 673 F. Supp. 748, 751 (M.D. N.C. 1987). In *Kamel v. Hill-Rom, Inc.*, 108 F.3d 799 (7th Cir. 1997), for example, the court expressly held a Saudi forum adequate, *id.* at 803, dismissing a suit where the Indiana defendant had consented to Saudi jurisdiction. Mahfouz is a Saudi citizen and resident and is obviously subject to the jurisdictional rules of the Saudi courts. *See also Forsythe v. Saudi Arabian Airlines Corp.*, 885 F.2d 285, 291 (5th Cir. 1989); *Ahmed v. Boeing Co.*, 720 F.2d 224, 226 (1st Cir. 1983) (Breyer, J.); *Jeha v. Aramco*, 751 F. Supp. 122, 125-26 (S.D. Tex. 1990), *aff'd mem.*, 936 F.2d 569 (5th Cir. 1991); *Tisdale v. Shell Oil Co.*, 723 F. Supp. 653, 658-59, 662 (M.D. Ala. 1987); *In re Disaster at Riyadh Airport, Saudi Arabia, on August 19, 1980*, 540 F. Supp. 1141, 1145-46 (D.D.C. 1982); *Shields v. Mi Ryung Constr. Co.*, 508 F. Supp. 891, 895 (S.D.N.Y. 1981); and *generally see also* 17 Moore's Federal Practice §§ 111.70[2][d]-[e]. Thus, although Bawazir might prefer to have his dispute adjudicated in the Washington State court system, Saudi Arabia presents an adequate alternative forum, and one which is vastly more appropriate for a dispute between two Saudi residents.

CONCLUSION

The Petition should be denied.

January 29, 2001

Respectfully submitted,

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SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

TAHIR M. BAWAZIR, Plaintiff, v. THE BOEING COMPANY, a Delaware corporation; and SHEIKH KHALID BIN MAHFOUZ, Defendants.	No. 98-2-14646-OSEA DECLARATION OF DAVID J. DADOUN IN SUPPORT OF PLAINTIFF'S MEMORANDUM IN OPPOSITION TO KHALID BIN MAHFOUZ'S MOTION TO DISMISS (Filed Aug. 14, 1998)

DAVID J. DADOUN declares as follows:

1. I am an attorney for plaintiff Tahir Bawazir. I am competent to testify and have personal knowledge regarding the following.

2. Attached as Exhibit 1 is a true and correct copy of the indictment against Khalid Bin Mahfouz ("Mahfouz") by the People to the State of New York issued in July 1992.

3. Attached as Exhibit 2 is a true and correct copy of the complaint filed on July 6, 1992 in the civil action filed in the U.S. District Court, Southern District of New York, *Board of Governors of the Federal Reserve System v. Khalid bin Mahfouz*, Civil Action No. 92civ5096.

4. Attached as Exhibit 3 is a true and correct copy of a July 8, 1992 news article from *Moneyclips* headlined "Khalid bin Mahfouz quits NCB".

5. Attached as Exhibit 4 is a true and correct copy of a July 8, 1992 news article from the *Financial Times* headlined "Saudi banker in BCCI case quits".

6. Attached as Exhibit 5 is a true and correct copy of the court opinion and ruling regarding the temporary restraining order filed in *BCCI Holdings vs. Sheikh Khalid bin Mahfouz*, 1992 U.S. Dist. LEXIS 18834 (December 10, 1992) filed in the U.S. District Court for the District of Columbia, Civil Action No. 92-2763.

7. Attached as Exhibit 6 is a true and correct copy of documentation pertaining to the master license for Plymouth Holdings, Ltd., doing business as Newport Motor Company.

8. Attached as Exhibit 7 is a true and correct copy of documentation pertaining to the master license for Cheyenne Holdings, Inc., doing business as Hoyt's.

9. Attached as Exhibit 8 is a true and correct copy of a July 16, 1998 letter from Kari Anne Smith, counsel for Boeing, to Charles Nomellini, Michael Vaska and David Dadoun.

10. Attached as Exhibit 9 is a true and correct copy of a July 15, 1998 final stipulation regarding the first amended complaint.

11. Attached as Exhibit 10 is a true and correct copy of a U.S. Department of State report entitled "Saudi Arabia Country Report on Human Rights Practices for 1997", released January 30, 1998 by the Bureau of Democracy, Human Rights and Labor.

12. Attached as Exhibit 11 is a true and correct copy of a September 1997 news article from *Euromoney* headlined "Good times hit the Gulf" (Mahfouz resumes control of NCB).

13. Mahfouz was served with a summons and complaint in the lawsuit in California on May 13, 1998. This occurred after a week-long stakeout at his hotel in Los Angeles. Mahfouz reportedly was accompanied by security at the time he was served.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed in Seattle, Washington this 14th day of August 1998.

/s/ David J. Dadoun
DAVID J. DADOUN

EXHIBIT 6

[SEAL]

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020 • Olympia, Washington 98507-9020

August 13, 1998

Foster Pepper & Shefelman
1111 Third Ave, Suite 3400
Seattle WA 98101

I certify that the attached information is a true and correct copy of the information in the Master License database.

Plymouth Holdings, Limited

dba

Newport Motor Company

Records Custodian:

/s/ Jody Miller 8/13/98

Jody Miller Date

Master License Service
Department of Licensing
PO Box 9034
Olympia, WA 98507-9034
(360) 664-1400

INFORMATION FROM THE
MASTER LICENSE DATABASE

For: FOSTER, PEPPER & SHEFELMAN Page: 2
Owner Name: PLYMOUTH HOLDINGS, LIMITED
UBI: 601 471 850 001
Owner Type: DOMESTIC PROFIT
CORPORATION Active
Date of Incorporation: 06/10/1993 State: WA
Expiration Date: 06/30/1999

Registered Agent: M A THOMPSON
15100 SE 38TH ST 101 #809
BELLEVUE, WA 98006

Corporate Officers:

VIRGIL BADGER THOMPSON	SEC
MARK A THOMPSON	PRES COB
B L THOMPSON	VP TREAS

The Corporate officers listed were given at the time the most recent Master Business Application was filed. For current corporate officers, contact the Secretary of State's Office at (360) 753-7115.

Registered Name(s)NEWPORT MOTOR COMPANY

Date	Cancel Date
07/28/1993	

Firm Name: NEWPORT MOTOR COMPANY

Business Location Address:
12815 NE 14TH PL
BELLEVUE WA 98005

Mailing Address:
15100 SE 38TH ST 101 # 809
BELLEVUE, WA 98006

Location Status: ACTIVE

Location First Activity Date: 7/29/1993

Endorsements For This Location:
TAX REGISTRATION

Status	Exp. Date
T	

Firm Name: NEWPORT MOTOR CO LTD

Business Location Address:

12815 NE 4TH PL
BELLEVUE, WA 98005

Mailing Address:

12815 NE 14TH PL
BELLEVUE, WA 98005

Location Status: ACTIVE

Location First Activity Date: 7/29/1993
Endorsements For This Location:
MOTOR VEHICLE WHOLESALER

Status	Exp. Date
A	06/30/1999

EXHIBIT 7

[SEAL]

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020 • Olympia, Washington 98507-9020

August 13, 1998

Foster Pepper & Shefelman
1111 Third Ave, Suite 3400
Seattle WA 98101

I certify that the attached information is a true and correct copy of the information in the Master License database.

Cheyenne Holdings, Inc.

dba

Hoyt's

Records Custodian:

/s/ Jody Miller 8/13/98

Jody Miller Date

Master License Service
Department of Licensing
PO Box 9034
Olympia, WA 98507-9034
(360) 664-1400

INFORMATION FROM THE
MASTER LICENSE DATABASE

For: FOSTER, PEPPER & SHEFELMAN Page: 1
Owner Name: CHEYENNE HOLDINGS, INC.
UBI: 601 393 235 001
Owner Type: DOMESTIC PROFIT
CORPORATION Terminated
Date of Incorporation: 06/03/1992 State: WA
Expiration Date: 06/30/1993

Registered Agent: RICHARD A RAYMER
W 814 MAIN
SPOKANE WA 99201

Corporate Officers:
DEBRA K RAYMER SEC/TREAS

RICHARD A RAYMER PRES

The Corporate officers listed were given at the time the most recent Master Business Application was filed. For current corporate officers, contact the Secretary of State's Office at (360) 753-7115.

Registered Name(s)
HOYT'S

Date Cancel Date
07/07/1992

Firm Name: HOYT'S

Business Location Address:
814 W MAIN
SPOKANE WA 99201

Mailing Address:
814 W MAIN
SPOKANE WA 99201

Location Status: ACTIVE

Location First Activity Date: 6/3/1992

Endorsements For This Location:	Status	Exp. Date
UNEMPLOYMENT INSURANCE	T	
INDUSTRIAL INSURANCE	T	
TAX REGISTRATION	T	